

August 2, 2006 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

06AN0316

James and Donna Archer

Matoaca Magisterial District  
8814 Hickory Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on one (1) acre and is known as 8814 Hickory Road. Tax ID 764-625-4281. Access will be across Tax IDs 764-625-Part of 5144 and Part of 7271 (Sheet 40).

Existing Zoning:

A

Size:

1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Vacant

South - A; Residential

East - A and C-5; Residential and Commercial

West - A and C-2; Residential, Vacant and Commercial

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Residential  
(2.51 – 4.0 units per acre)

DISCUSSION

The applicants request a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicants have indicated the access to the subject property will be over a thirty (30) foot private easement from Point A to Point B, except for that portion of the easement from Point C to Point D which shall have a minimum of a twenty-five (25) foot wide easement as shown on the attached plat.

The applicants provide the following justification in support of this request:

The applicants request a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a variable width private easement from Point A to Point B, as shown on the attached plat. The subject property is owned by James H. Archer and Donna G. Archer, husband and wife, and purchased by the applicants in 2006. The owner of the servient property is James M. Archer, father of the applicant. The applicants are applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement. The request is not materially detrimental to adjacent property as the proposed use of a dwelling blends in with the existing agricultural and residential uses.

The subject property is owned by the applicants. They purchased the property on January 12, 2006. It is located off the northern line of Hickory Road and consists of one (1) acre which was recorded February 21, 1978. The applicants plan to construct a single family dwelling on the subject property. In order to develop this property for residential purposes it would need to meet all standards set forth in the Subdivision and Zoning Ordinances relative to the zoning district. The Subdivision Ordinance states "parcel and/or lots recorded prior to January 1, 1980, shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a Variance". The applicants have indicated they have no road frontage. Therefore, the applicants are applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the property was recorded prior to 1980.

Staff reviewed the plat and visited the subject property and observed that the proposed access and the subject property are unimproved. Also, staff notes that there is an existing single family dwelling located approximately ninety (90) feet north of Hickory Road along the proposed easement for the subject property. The location of this dwelling would not allow the applicants the ability to meet staff's standard recommended thirty (30) foot wide private access easement in Condition 1. Please note that staff has modified this condition to reflect a minimum of a twenty-five (25) foot easement from Point C to Point D.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

## CONDITIONS

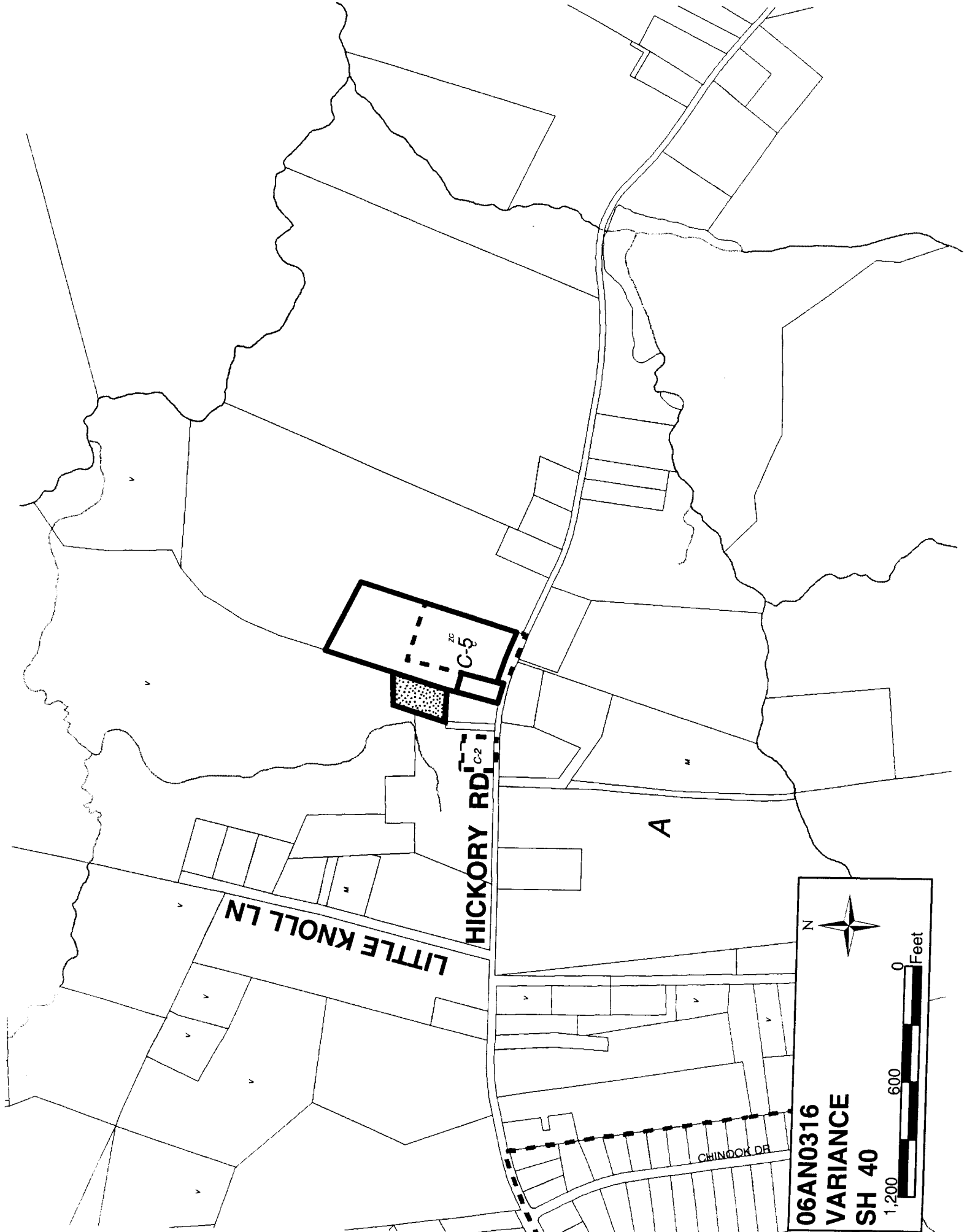
1. When the applicants apply for a building permit, the applicants shall provide a copy of a recorded instrument which will include:

A thirty (30) foot wide private access easement from Point A to Point B except for that portion of the easement from Point C to Point D which shall have a minimum of twenty-five (25) foot wide easement as shown on the plat attached to the staff report.

2. The private access easement shall meet the following requirements:

- (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
- (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
- (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
- (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
- (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
- (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
- (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
- (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



06AN0316  
VARIANCE  
SH 40



